

2014 No. 1896

CUSTOMS

The Export Control (Syria Sanctions) (Amendment) Order 2014

Made - - - - *16th July 2014*

Laid before Parliament *18th July 2014*

Coming into force - - *8th August 2014*

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to measures relating to the interruption or reduction, in part or completely, of economic relations with one or more countries which are not Member States(b).

This Order makes provision for a purpose mentioned in section 2(2) of that Act and it appears to the Secretary of State that it is expedient for references to Annexes to Council Regulation (EU) No 36/2012(c) and Council Regulation (EU) No 1332/2013(d) to be construed as references to those Annexes as amended from time to time.

The Secretary of State, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and by paragraph 1A of Schedule 2 to that Act(e), makes the following Order.

Citation and Commencement

1. This Order may be cited as the Export Control (Syria Sanctions) (Amendment) Order 2014 and comes into force on 8th August 2014.

Amendment of the Export Control (Syria Sanctions) Order 2013

2.—(1) The Export Control (Syria Sanctions) Order 2013(f) is amended as follows.

(2) In article 3(1), in the definition of “the Syria Regulation”, for the words “as last amended by Council Regulation (EU) No 697/2013” substitute “as last amended by Council Regulation (EU) No 124/2014”.

(3) After article 12 insert—

(a) 1972 c.68; section 2(2) was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c.51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).
(b) S.I. 1994/757, to which there are amendments not relevant to this Order.
(c) OJ No L 16, 19.1.2012, p1; Article 11c of and Annex XI to the Regulation were inserted by Articles 1(4) and (9) of Council Regulation (EU) No 1332/2013 (OJ No L 335, 14.12.2013, p3). There are other amendments not relevant to this Order.
(d) OJ No L 335, 14.12.2013, p3.
(e) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008.
(f) S.I. 2013/2012, to which there are amendments not relevant to this Order.

“Offences related to the movement of Syrian cultural property goods, etc including those listed in Annex XI

12A. A person who is knowingly concerned in an activity, other than the export or the import of goods, prohibited by Article 11c of the Syria Regulation (prohibition on import, export, transfer or provision of brokering services related to import, export or transfer, of Syrian cultural property goods, etc, including those listed in Annex XI, where there are reasonable grounds to suspect that the goods have been removed from Syria without the consent of the legitimate owner or in breach of Syrian or international law) with intent to evade the prohibitions in that Article commits an offence and may be arrested.”

(4) In article 17—

- (a) in paragraph (3), for “11(b) or (c)” substitute “11(b) or (c), 12A”;
- (b) in paragraph (4), for “11a(1)(a) and 12(1)(a)” substitute “11a(1)(a), 11c(1) or 12(1)(a)”;
- (c) in paragraph (5), for “6(a) or 11(a)(1)(b)” substitute “6(a), 11a(1)(b) or 11c(1)”.

Ed Vaizey

Minister of State

Department for Culture, Media and Sport

16th July 2014

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the enforcement of trade sanctions relating to Syrian cultural property specified in Council Regulation (EU) No 1332/2013 (OJ No L 335, 14.12.2013, p3), which amends Council Regulation (EU) No 36/2012 (OJ No L 16, 19.1.2012, p1) concerning restrictive measures in view of the situation in Syria (the “amended Syria Regulation”). This Order does so by amending the Export Control (Syria Sanctions) Order 2013 (S.I. 2013/2012), which makes provision for the enforcement of all current trade restrictions against Syria (the “principal Order”).

Article 2(3) of the Order inserts article 12A into the principal Order. This creates an offence for breaching the prohibitions in the amended Syria Regulation against the transfer, or the provision of brokering services related to the import, export or transfer, of the relevant cultural property. Offences for the import or export of the property already exist under sections 50, 68 and 170 of the Customs and Excise Management Act 1979 (1979 c 2).

Article 2(4) of the Order amends article 17 of the principal Order. The amendment to article 17(3) applies the penalties in that article to the new offences. The amendments to articles 17(4) and (5) increase the maximum sentence for the offences of importing and exporting the property under the Customs and Excise Management Act 1979 to 10 years.

Under article 1(2) of the principal Order, the new offences apply to any person in the United Kingdom and to United Kingdom persons, as defined in section 11 of the Export Control Act 2002 (c 28), wherever they are in the world.

A regulatory impact assessment has not been produced for this Order as it has no or minimal impact on business, charities or voluntary bodies. A copy of the Explanatory Memorandum is published alongside the Order on www.legislation.gov.uk.

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